



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

MAILED

JUN 7 - 2005

**DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600**

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

In re Application of
Joseph Kuriacose et al.
Application No. 09/903,458
Filed: July 10, 2001

For: **APPARATUS FOR TRANSMITTING AND
RECEIVING EXECUTABLE APPLICATIONS AS
FOR A MULTIMEDIA SYSTEM, AND SYSTEM
TO ORDER AN ITEM USING A DISTRIBUTED
COMPUTING SYSTEM**

**DECISION ON PETITION
UNDER 37 CFR 1.59**

This is a response to the petition under 37 CFR 1.59(b), filed November 25, 2002, to expunge information from the above identified application.

The decision on the petition will be held in abeyance until prosecution on the merits is closed, at which time the petition will be decided.

Petitioner requests that the information submitted in the Information Disclosure Statement, filed November 25, 2002, be expunged from the record. Petitioner states that either (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material", with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material". If the information is not considered by the examiner to be material, the information will be returned to applicant.

The document in question will not be available to the public during prosecution.

Doris To
Special Program Examiner
Technology Center 2600
Communications